

K&L|GATES

Kirkpatrick & Lockhart Preston Gates Ellis LLP
55 Second Street
Suite 1700
San Francisco, CA 94105-3493
T 415.882.8200 www.klgates.com

March 13, 2008

Geoffrey M. Davis

VIA HAND DELIVERY

D 415.249.1003
F 415.882.8220
geoff.davis@klgates.com

Chief Magistrate Judge James Larson
Courtroom F, 15th Floor
450 Golden Gate Ave.
San Francisco, CA 94102

Re: Motion to Remand in *Roberts v. Crane Co. and Durabla Mfg. Company*
U.S.D.C. N.D. California Case No. 3:08-cv-01338 JL
Our Client: Crane Co.

Judge Larson:

Plaintiff has requested an expedited hearing of his Motion to Remand this matter to the San Francisco Superior Court, and we will file Crane Co.'s brief in opposition shortly. However, even though the state court currently has no jurisdiction over this case pursuant to 28 U.S.C. § 1446(c)(5), plaintiff's counsel represented, in their Motion to Shorten Time, that Judge Tang planned to bring the jury back to Court on Monday, March 17, 2008. While this should have absolutely no bearing on the decision whether removal is proper, you should know that it is no longer the case. Although it was correct when filed by plaintiff's counsel, Judge Tang has since informed the parties that she has already contacted most of the jurors and instructed them to return on Tuesday, March 25, 2008, if at all. Therefore, there is no basis for plaintiff's request to rule in an inordinately narrow time frame, and certainly not before the scheduled oral argument on Wednesday, March 19, 2008.

Sincerely yours,

Kirkpatrick & Lockhart Preston Gates Ellis LLP



Geoffrey M. Davis

cc: Stephen Healy, Esq. and Deborah Rosenthal, Esq., Paul & Hanley LLP, counsel for
plaintiff (by facsimile)
Lucinda Storm, Esq., Law Offices of Lucinda Storm, counsel for Durabla (by facsimile)